REMARKS

This Amendment is submitted in response to the Office Action dated August 9, 2006. In the Office Action, the Patent Office objected to the drawings. Additionally, the Patent Office rejected Claims 1-4, 19-29, 42, 43 and 44 under 35 U.S.C. § 103(a) as being unpatentable over *Masters* (United States Patent Application Number: 2002/0006602) in view of *Blanchard et al.* (United States Patent Application Number: 2002/0089513). Further still, the Patent Office rejected Claims 6-13, 15-16, 31-38 and 40-41 under 35 U.S.C. §103(a) as being unpatenable over *Masters* in view of *Blanchard et al.* in further view of Gordon (United States Patent Application Number: 2002/0099725). Additionally, the Patent Office rejected Claims 5, 17-18 and 30 under 35 U.S.C. §103(a) as being unpatentable over *Masters* in view of *Blanchard* in further view of *Lambertsen* (United States Patent Application Number: 2002/0024528). The Patent Office then rejected Claims 14 and 39 under 35 U.S.C. §103(a) as being unpatentable over *Masters* in view of *Blanchard* in view of *Nardozzi et al.* (United States Patent Number: 6,636,837).

By the present amendment, Applicant submits that this response along with the amendments overcome the objections and rejections to the claims by the Patent Office. More specifically, the applicant has amended the drawings and submitted them herewith as replacement drawings. Additionally, the applicant has amended Claims 1 and 22. Applicant submits that the replacement drawings, and the amendments to the claims overcomes the objections and rejections to the claims by the Patent Office. Notice to that effect is requested.

In the present Office Action, the Patent Office rejected Claims 1-4, 19-29, 42, 43 and 44 under 35 U.S.C. § 103(a) as being unpatentable over *Masters* in view of *Blanchard et al.* More specifically, the Patent Office states that *Masters* teaches: providing a room setting user interface comprising a plurality of available room settings; obtaining a selected room setting from the user via the room setting user interface; providing a product user interface comprising a plurality of available products; obtaining a selected product form the user via the product user interface; providing a color user interface comprising a plurality of available colors for the selected product; obtaining a selected color from the user via the color user interface; and displaying a visualization of the selected product in the selected color in the selected room setting. Moreover, the Patent Office states that *Masters* teaches the color user interface comprises a color wheel displaying the selected color and a plurality of colors related to the selected color. Additionally,

the Patent Office states that *Masters* teaches the color user interface highlights colors that have matching products; and computer implemented method is implemented on a server that can be remotely accessed by the user over a network. The Patent Office further asserts that *Masters* teaches the network is the internet and that the method further comprises ordering the selected product in the selected color. The Patent Office then states that *Masters* does not expressly teach where the selected colors on the color pallet include variations of the selected color. *Blanchard* teaches a system for use in the decorating/architectural decorating field for calculating harmonized color schemes. Further, the Patent Office states that *Blanchard* also teaches wherein the plurality of colors include variations of the selected color. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the invention of *Masters* to have included wherein the plurality of colors include variations of the selected color as taught by *Blanchard* in order to provide a user with harmonizing color schemes according to their preferences and eliminate color mismatches.

Masters teaches a computerized system for providing interior design by allowing a homeowner to enter interior design requirements and selecting interior design treatments according to the homeowner's design requirements so that a grouping of compatible interior design treatments is provided for the homeowner to be used in decorating the homeowner's home.

Masters utilizes a computerized system for interior design functions wherein the system includes a computer processor, a computer readable medium in electronic communication with the processor, a database in electronic communication with the processor containing data representing individual interior design treatments selectable by selection criteria, an input device in communication with the processor for inputting a homeowner's design requirements, an output device in communication with the processor for providing output to the homeowner, and a set of computer readable instructions embodied within the computer readable medium controlling the processor for receiving the design requirements from the input device.

Blanchard teaches a system and method for calculating harmonizing colors based on a reference color. In a first embodiment, the invention includes (a) defining a reference color in a uniform color space, (b) converting the hue of the reference color from the uniform color space to an artists color wheel, (c) determining harmonizing colors for the reference color within the artists color wheel, (d) converting the hues of the harmonizing colors from the artists color wheel

to the uniform color space, and (e) displaying the harmonizing color information. In a second embodiment, a brown region is defined for colors having red/orange/yellow hues and low chroma values. Additional harmonizing colors are determined when either the reference color or one of the harmonizing colors falls within the brown region.

Amended Claim 1 requires a computer implemented method for allowing a user to visualize differing types of window coverings within a room setting. As discussed with the Examiner in a phone interview, this claim is specifically tailored to window treatments. Applicant has added this sub-element in the body of the claims to more specifically point out the claimed invention.The method comprises the steps of: providing a room setting user interface comprising a plurality of available room settings; obtaining a selected room setting from the user via the room setting user interface; providing a product user interface comprising a plurality of available products; obtaining a selected product from the user via a touch screen product user interface; providing a color user interface comprising a plurality of available colors for the selected product wherein the plurality of colors includes variations of the selected color; obtaining a selected color from the user via the color user interface; and displaying a visualization of the selected product in the selected color in the selected room setting.

However, *Masters* does not teach or suggest a computer implemented method for allowing a user to visualize differing types of window coverings within a room setting as contemplated by the present invention. Although *Masters* makes passing reference to window treatment, it is not specific to this type of interior decoration. Masters is referring to a plurality of interior treatments including walls, furniture, flooring and the like. On the contrary, *Masters* only teaches the general setting of the room. Moreover, *Masters* does not teach or suggest a computer implemented method for allowing a user to visualize differing types of home decor products within a room setting wherein the user is provided a color user interface that includes a plurality of color variations of the selected color as required by Claims 1 and 22 of the present invention. Further, contrary to what the Patent Office states, *Blanchard* does not teach an interior design or decorating field at all. *Blanchard* simply teaches a computerized color wheel. Any argument that *Blanchard* is analogous art is purely speculative.

Additionally, neither *Masters nor Blanchard* teach or suggest the computer implemented method for allowing a user to visualize differing types of home decor products within a room setting wherein the method allows the user to obtain a selected room setting from the user via a

touch screen room setting user interface wherein the selected room comprises pre-set examples of the room and user input of actual room as required by Claims 1 and 22 of the present invention.

The Patent Office may argue as it did in the Office Action that *Nardozzi* covers the touch screen element. However, as discussed below *Nardozzi* is not analogous art, and a person of ordinary skill in the art of window coverings would not be motivated to combine *Nardozzi*, *Blanchard* and *Masters* to come up with the present invention. Further, the Patent Office arguments attempting to show motivation still does not amount to a prima facie case of obviousness.

It is submitted that the question under §103 is whether the totality of the art would collectively suggest the claimed invention to one of ordinary skill in this art. In re Simon, 461 F.2d 1387, 174 USPQ 114 (CCPA 1972).

That elements, even distinguishing elements, are disclosed in the art is alone insufficient. It is common to find elements somewhere in the art. Moreover, most if not all elements perform their ordained and expected functions. The test is whether the invention as a whole, in light of the teaching of the reference, would have been obvious to one of ordinary skill in the art at the time the invention was made. Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983).

It is insufficient that the art disclosed components of Applicants' invention. A teaching, suggestion, or incentive must exist to make the combination made by Applicants. Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1988).

In view of the foregoing remarks and amendments, the rejection of Claims 1-4, 19-29, and 42-44 under 35 U.S.C. §103(a) as being unpatentable over *Masters* in view of *Blanchard* has been overcome and should be withdrawn. Notice to that effect is requested.

As to the rejection of Claims 6-13, 15-16, 31-38 and 40-41 under 35 U.S.C. §103(a) as being unpatentable over *Masters* in view of *Blanchard et al* and in further view of *Gordon*, Applicant respectfully asserts that the claim is further believed allowable over *Masters* and *Blanchard et al.* and *Gordon.* for the same reasons set forth with respect to independent Claims 1 and 22, since the claim sets forth additional novel elements of Applicant's Method of Visualizing differing types of window coverings within a room setting. Moreover, Applicant respectfully

asserts that the amendment to Claims 1 and 22 further distinguish the present invention from the prior art reference.

Again, *Masters* teaches a computerized system for providing interior design by allowing a homeowner to enter interior design requirements and selecting interior design treatments according to the homeowner's design requirements so that a grouping of compatible interior design treatments is provided for the homeowner to be used in decorating the homeowner's home.

Masters utilizes a computerized system for interior design functions wherein the system includes a computer processor, a computer readable medium in electronic communication with the processor, a database in electronic communication with the processor containing data representing individual interior design treatments selectable by selection criteria, an input device in communication with the processor for inputting a homeowner's design requirements, an output device in communication with the processor for providing output to the homeowner, and a set of computer readable instructions embodied within the computer readable medium controlling the processor for receiving the design requirements from the input device.

Blanchard teaches a system and method for calculating harmonizing colors based on a reference color. In a first embodiment, the invention includes (a) defining a reference color in a uniform color space, (b) converting the hue of the reference color from the uniform color space to an artists color wheel, (c) determining harmonizing colors for the reference color within the artists color wheel, (d) converting the hues of the harmonizing colors from the artists color wheel to the uniform color space, and (e) displaying the harmonizing color information. In a second embodiment, a brown region is defined for colors having red/orange/yellow hues and low chroma values. Additional harmonizing colors are determined when either the reference color or one of the harmonizing colors falls within the brown region.

Gordon teaches a system for managing a development project for a customer that includes at least one database having data, and allows the customer to select at least one selected product from at least one of the databases, and provides for viewing at least one selected product. The system allows customer to manage a project through a website and determine how various changes to the project will affect cost, time and other variables. The system can also allow customer to collaborate on a development project with installers, architects and other workers. The system allows customer to match a product to particular requirements. A kiosk system

allows customer to view various products within the store, make selections through the kiosk and, potentially, match product to a particular requirement.

However, as stated above *Blanchard* has no relation whatsoever with the computerized system described in *Masters* and/or the present invention. There is no correlation and a person of ordinary skill in the art would not have been motivated to combine *Blanchard* and *Masters* to come up with the applicant's invention. Additionally, adding Gordon to the equation just adds another non-analogous piece of prior art that is added to two already non-analogous pieces of prior art in an attempt to reject the invention.

It is submitted that the question under §103 is whether the totality of the art would collectively suggest the claimed invention to one of ordinary skill in this art. In re Simon, 461 F.2d 1387, 174 USPQ 114 (CCPA 1972).

That elements, even distinguishing elements, are disclosed in the art is alone insufficient. It is common to find elements somewhere in the art. Moreover, most if not all elements perform their ordained and expected functions. The test is whether the invention as a whole, in light of the teaching of the reference, would have been obvious to one of ordinary skill in the art at the time the invention was made. Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983).

It is insufficient that the art disclosed components of Applicants' invention. A teaching, suggestion, or incentive must exist to make the combination made by Applicants. Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1988).

The Patent Office provided no teaching as to why one having ordinary skill in the art would have been led to combine *Masters, Blanchard et al.* and *Gordon* to create Applicant's invention. Since the Patent Office failed to establish a *prima facie* case of obviousness, Applicant believes that the rejection of Claims 6-13, 15-16, 31-38 and 40-41 under 35 U.S.C. §103(a) should be withdrawn. Notice to that effect is requested.

As to the rejection of Claims 5, 17-18 and 30 under 35 U.S.C. §103(a) as being unpatentable over *Masters* in view of *Blanchard* in further view of *Lambertsen*, Applicant respectfully asserts that the claim is further believed allowable over *Masters, Blanchard* and *Lambertsen* for the same reasons set forth with respect to independent Claims 1 and 22, since the claim sets forth additional novel elements of Applicant's Method of Visualizing differing types of window coverings within a room setting. Moreover, Applicant respectfully asserts that

the amendment to Claims 1 and 22 further distinguish the present invention from the prior art reference.

Lambertsen teaches a virtual makeover system and method are disclosed which allows users to apply beauty products to a personal photographic image, thereby creating a digitally enhanced image. The system includes a product catalog, a palette database, and an image database, all of which may be accessed by a user via a communications network or stored on the hard drive of a user's computer. Users can upload digital photographs of themselves or others, or can retrieve an image from the image database, and outline various features in the photograph. The user may apply selected beauty products available in the product catalog to the various features.

The Patent Office provided no teaching as to why one having ordinary skill in the art would have been led to combine *Masters* and *Lambertsen* to create Applicant's invention. Since the Patent Office failed to establish a *prima facie* case of obviousness, Applicant believes that the rejection of Claims 5, 17-18, and 30 under 35 U.S.C. §103(a) should be withdrawn. Notice to that effect is requested.

Finally, the Patent Office rejected Claims 14 and 39 under 35 U.S.C. §103(a) as being unpatentable over *Masters* in view of *Nardozzi et al.* Applicant respectfully asserts that the claim is further believed allowable over *Masters* and *Nardozzi et al.* for the same reasons set forth with respect to independent Claims 1 and 22, since the claim sets forth additional novel elements of Applicant's Method of Visualizing differing types of window coverings within a room setting. Moreover, Applicant respectfully asserts that the amendment to Claims 1 and 22 further distinguish the present invention from the prior art reference.

Nardozzi et al. discloses a method, system and apparatus for displaying photofinishing goods and/or services that are being offered for sale. An apparatus is provided which includes a display device for displaying photofinishing goods and/or services that are being offered for sale and a computer for controlling what is displayed on the display device. A computer software program is also provide for programming the computer so that a plurality of the photofinishing goods and/or services will be displayed on the display device and for program monitoring the sales the photofinishing goods. The system allows for the remote reprogramming of the computer for modifying and or re-arranging the position of the photofinishing goods and/or services on the display device.

However, *Nardozzi et al.* has no relation whatsoever to the present invention. It is completely non-analogous art. Further the Patent Office has provided no teaching as to why one having ordinary skill in the art would have been led to combine *Masters, Blanchard* and *Nardozzi et al.* to create Applicant's invention. Since the Patent Office failed to establish a *prima facie* case of obviousness, Applicant believes that the rejection of Claims 14 and 39 under 35 U.S.C. §103(a) should be withdrawn. Notice to that effect is requested.

It is submitted that the question under §103 is whether the totality of the art would collectively suggest the claimed invention to one of ordinary skill in this art. In re Simon, 461 F.2d 1387, 174 USPQ 114 (CCPA 1972).

That elements, even distinguishing elements, are disclosed in the art is alone insufficient. It is common to find elements somewhere in the art. Moreover, most if not all elements perform their ordained and expected functions. The test is whether the invention as a whole, in light of the teaching of the reference, would have been obvious to one of ordinary skill in the art at the time the invention was made. Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983).

It is insufficient that the art disclosed components of Applicants' invention. A teaching, suggestion, or incentive must exist to make the combination made by Applicants. Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1988).

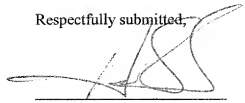
In view of the foregoing remarks and amendments, the rejection of Claims 14 and 39 under 35 U.S.C. §103(a) as being unpatentable over *Masters in view of Nardozzi et al.* has been overcome and should be withdrawn. Notice to that effect is requested.

Claims 2-21 depend from Claim 1; and Claims 23-44 depend from Claim 22. These claims are further believed allowable for the same reasons set forth with respect to independent Claims 1 and 22 since each sets forth additional novel components and steps of Applicant's Method for visualizing differing types of window coverings within a room setting.

Request For Allowance

In view of the foregoing remarks, Applicant respectfully submits that all of the claims in the application are in allowable form and that the application is now in condition for allowance. If any outstanding issues remain, Applicant urges the Patent Office to telephone Applicant's attorney so that the same may be resolved and the application expedited to issue. Applicant requests the Patent Office to indicate all claims as allowable and to pass the application to issue.

Respectfully submitted,



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